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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,477	10/01/2003	Young-sig Kwon	1293.1948	4673
21171	7590	01/17/2007	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			NGUYEN, THAN VINH	
			ART UNIT	PAPER NUMBER
			2187	
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	01/17/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/674,477	KWON, YOUNG-SIG	
	<b>Examiner</b>	<b>Art Unit</b>	
	Than Nguyen	2187	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 November 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-16 and 18-21 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 18-20 is/are allowed.
- 6) Claim(s) 1-3,8-10 and 21 is/are rejected.
- 7) Claim(s) 4-7 and 11-16 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 October 2003 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

1. This is a response to the amendment, filed 11/1/06.
2. Claim 17 has been canceled. Claims 1-16,18- remain pending.

### ***Response to Argument/Amendment***

3. In view of the amendment to claim 21, the previous rejection to this claim under 35 USC 112, has been withdrawn.

4. Applicant's arguments are not persuasive to overcome the previous office rejection.

Applicant argues that Matsumoto does not teach recording the record data to the medium after building the table-of-content section. The Examiner disagrees. Matsumoto teaches generating the TOC (5/40-49) and then storing the record to the disk (6/19-27). This directly reads upon the claimed limitations of generating the TOC and then recording the data to the disk. The "program information" that Applicant refers to (5/43) is not the record data to be record on the disk. The output data that comes out of circuit 36 is recorded on the disk (5/19-27). The Examiner maintains the previous office rejection.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-3,8-10,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto (US 5,325,352).

As to claim 1,8:

7. Matsumoto teaches a method of recording record signals sequentially transmitted from a host on an optical recording medium, comprising:

receiving record data from the host and storing the data in a buffer if an environment data is set (store data in circuit 32 and subcode memory; 5/33-35; 6/27-45);

building information on the optical recording medium using record data to be recorded in a lead-in region among the record data stored in the buffer (generated TOC based on input data a; 1/40-47; 5/40-49);

signal-processing the record data in the buffer and recording the data on the lead-in region, a program region, and a lead-out region of the optical recording medium (record data on disk; 3/40-4/6; 6/19-27).

As to claim 2,9:

8. Matsumoto teaches notifying the host that the recording has been completed (complete recording status; 5/44; 9/23-30).

As to claim 3,10:

9. Matsumoto teaches the information on the optical recording medium is built using subq value and subcodes (2/18-40,55-67; 5/50-65) but does not specifically teach using a 16 byte-subq value and a 96 byte-subcode. It would be clear to one of ordinary skills that the size of the subq and subcode varies upon different application requirements. Thus it would have been

obvious to one ordinary skills in the art to use a 16 byte subq and a 96 byte subcode, or other sized subcodes, as necessary to fulfill the application requirement.

As to claim 21:

10. Matsumoto teaches a data recording medium comprising:
  - processing a record command (5/66-67);
  - forming an appropriate power and setting a recording speed (controlling power and velocity; 5/9-32);
  - initializing an encoder (initiate data forming circuit 32; 5/33-40);
  - setting a buffer to a raw recording mode (set reproduction mode; 8/48-65);
  - building table of contents information (building TOC; 5/40-49, 7/54-8/15); and
  - recording the received data on the optical medium (record data; 3/40-4/6, 5/23-6/49).

*Allowable Subject Matter*

11. Claims 4-7,11-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
12. As to claim 4,11, the prior art does not further teach the building comprises: identifying the number of blocks if 16 byte-subq value exist; interpret a subq value for each block; and building the information on the optical recording medium using an index value in the subq value of the block (generating subq and subcodes; 2/18-40; 7/54-8/20).
13. Claims 5,6,13,14 are also allowable for incorporating the limitations of claim 4/11.
14. As to claim 7,12, the prior art does not further teach the building comprises: identifying the number of blocks if the 96 byte subcode value exists; deducing a subq value for each block;

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interpreting a subcode value of each block; and building the information on the optical recording medium using an index value in the interpreted subcode value of each block.

15. Claims 15,16 are also allowable for incorporating the limitations of claim 12.
16. Claims 18-20 are allowed for including allowable subject matter indicated in the previous office action (limitations of claim 17-19).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Than Nguyen whose telephone number is 571-272-4198. The examiner can normally be reached on 8am-3pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Than Nguyen  
Primary Examiner  
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